

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOCKET NO. 05-30074-MAP

TAMMY WALKER,)
 PLAINTIFF)
)
 V.)
)
CITY OF HOLYOKE,)
 DEFENDANT)

**PLAINTIFF’S RESPONSE TO DEFENDANT’S EMERGENCY MOTION TO
EXTEND SCHEDULING ORDER OF FEBRUARY 23, 2007; AND RESPONSE
TO MOTION TO COMPEL PLAINTIFF’S TAX RETURN BY CITY OF
HOLYOKE**

Now comes the Plaintiff Tammy Walker, and hereby responds to the Defendant’s above-mentioned motions as follows:

1. Plaintiff does not oppose Defendant’s Motion to extend the scheduling order. If Defendant had requested Plaintiff’s assent prior to filing its emergency motion, plaintiff would have cooperated in the requested extension of the scheduling order.
2. If Plaintiff’s counsel had any communications with Plaintiff about her illness, the attorney-client privilege would be applicable.
3. Any communications between Plaintiff and her attorney concerning Plaintiff’s tax records are subject to the attorney-client privilege.
4. Plaintiff objects to Defendant’s personal attack upon Plaintiff’s counsel as evidenced in paragraph 4 of Defendant’s Motion to Compel. The February 23, 2007 Scheduling Order directed Plaintiff, not “plaintiff’s counsel”, to provide her outstanding tax returns. (See Defendant’s Exhibit C). In addition, contrary to Defendant’s statement in paragraph 6 of its Motion to Compel, there is no credible evidence that Plaintiff’s counsel “...ignored the request for signed authorizations via Form 4506.”

5. Plaintiff's counsel neither refused to produce Plaintiff's outstanding tax records nor Defendant's request for signed Form 4506.
6. Defendant has failed to provide the certification required by L. Rule 7.1 (2) prior to filing either of their above-mentioned motions.

Respectfully submitted

Tammy Walker

By her attorney

/s/ Ozell Hudson, Jr., Esq.

Ozell Hudson, Jr., Esq.

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CERTIFICATE OF SERVICE

I hereby certify that this 2nd day of April, 2007, I caused to be delivered to all counsel of record, by electronic, fax, hand, or mail with postage prepaid, a true copy of the foregoing document (Plaintiff's Response to Defendant's Emergency Motion to Extend Scheduling Order of February 23, 2007; And Response to Motion to Compel Plaintiff's Tax Return by City of Holyoke) to:

Carole Sakowoki Lynch, Esq.
Morrison Mahoney, LLP
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P.O. Box 15387
Springfield, Ma. 01115

/s/ Ozell Hudson, Jr., Esq.

Ozell Hudson, Jr., Esq.